



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF ARCHITECTS</b>
<b>MEETING DATE AND TIME:</b>	<b>Wednesday, February 6, 2013 at 1:30 p.m.</b>
<b>PLACE:</b>	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
<b>MINUTES APPROVED:</b>	March 6, 2013

**MEMBERS PRESENT**

Kenneth Freemark, RA, Professional Member, President  
Joseph Schorah, Public Member, Secretary  
Kevin Wilson, RA, Professional Member  
Peter H. Jennings, RA, Professional Member  
Richard Wertz, RA, Professional Member  
John Mateyko, RA, Professional Member  
Brian Lewis, Public Member  
Elizabeth Happoldt, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Andrew Kerber, Deputy Attorney General  
Meaghan Jerman, Administrative Specialist II

**ABSENT**

Prameela Kaza, Public Member

**OTHERS PRESENT**

David Pederson, RA Delaware Technical Community College  
Nancy Payne, DE Chapter of AIA  
William Holloway, RA, DE Chapter of the AIA

**Call to Order**

Mr. Freemark called the meeting to order at 1:32 p.m.

**Review and Approval of Minutes**

The Board reviewed the minutes of the January 2, 2013 meeting. Mr. Freemark made a motion to accept the minutes as presented, seconded by Mr. Lewis. The motion passed unanimously.

### **Unfinished Business**

#### **Delaware Tech Service Learning Project – Review of Draft Proposal**

The Board was provided with the draft proposal of the Delaware Tech Service Learning Project Agreement and Project Outline to review. The Board was informed of the Subcommittees recent meetings and progress thus far. The Subcommittee feels that they are now at a place that the documents need to be reviewed by legal counsel before moving forward. Mr. Jennings highlighted components of the proposal for the Board and explained that limited documents would be provided to the selected organization, and electronic documents would not be provided. Mr. Jennings requested feedback from the Board members regarding the Outline and Agreement. Mr. Schorah expressed concern that the College would be teaching the basics of architecture without a licensed Delaware architect potentially overseeing the program, as well as the disclaimer which he felt let the College determine as to whether duplicates of the documents would be provided. Mr. Jennings explained the Subcommittees rationale for not requiring a licensed architect teach the course including the deliverables that would be produced by the project.

Mr. Schorah reiterated his concern that any documents created could be duplicated as the disclaimer on the Project Agreement Form is allowing for the duplication of the documents at this time. Mr. Wilson suggested further defining the project deliverables of Artist Rendering so that it is clear that the deliverables are conceptual drawings consisting of schematic design and design development, and clarifying that they are not construction drawings or detailed drawings. Mr. Mateyko stated that he would support this suggestion. Mr. Wertz pointed out that 4B on the Service Agreement does speak to drawings being for conceptual purposes only. Mr. Mateyko offered additional comments and edits to the proposal and suggested revising the agreement so that it specifies that the College would only issue one copy of documents to the Service Organization upon request. Mr. Mateyko inquired about the draft language regarding the termination clause of the agreement. Mr. Kerber will add a statement to the termination clause that will preclude the organization from taking further actions with the deliverables. "Other attachments" as is noted on the bottom of the Service Agreement was also recommended to be removed from the agreement.

Mr. Kerber informed that Board that the Subcommittee has done excellent work. Mr. Freemark suggested putting a 5 year sunset on this agreement within the Memorandum of Understanding (MOU). Mr. Kerber pointed out that the project outline addresses that the MOU will be re-assessed within 2 years after adoption by the Board. Mr. Jennings explained the subcommittee's rationale for reviewing the program as soon as 2 years as they felt as this was a new program the review should be done sooner rather than later. Mr. Jennings brought the Board's attention to the component of the agreement that includes a presentation by a Board of Architect's member to the Delaware Tech class about the practice of architecture.

Mr. Kerber explained that upon initial review of the draft agreement he was surprised that a professional architect was not required for the project. However, he stated upon further of the project deliverables, it was evident that a professional architect was not required. Mr. Kerber stated that we are now at the point that the document can be turned over to respective counsel for review.

Mr. Mateyko made motion, seconded by Mr. Freemark, to send the Agreement for further review to legal counsel. The motion passed unanimously.

Mr. Kerber suggested amending the agenda to allow Public Comment at this time as members of the Delaware Chapter of the American Institute of Architects (AIA) were present. Mr. Mateyko made a motion, seconded by Mr. Freemark to amend the agenda to allow public comment. The motion passed unanimously.

### **Public Comment**

Bill Holloway from the Delaware Chapter of the AIA addressed the Board. Mr. Holloway read the Board a position statement prepared by the AIA regarding the proposed Delaware Tech Service Learning Project. In summary, the AIA does not object to the service learning project when a registered Delaware Architect directly supervises the student's work and is present whenever there is direct contact with the public by the students. The AIA does object to a service learning project when architecture services are offered to the public and the instructor/supervisor is not a registered Delaware Architect for the following reasons: 1. A fundamental tenet of the architect registration law is to protect the health, safety, and welfare of the public. 2. The practice of architecture is a right given only to those who meet the minimum standards of architect competency including education, training, and examination. 3. The architecture services proposed to be offered by Delaware Tech (i.e. plannings, conceptual design, schematic and design development drawings, cost estimates, and other technical submissions) are the same as those listed in Section 302(5) and (8) of the statute as elements of the practice of architecture. 4. There is no exemption for the unlicensed practice of architecture by an individual (i.e. instructor/supervisor) who is not registered as an architect in Delaware.

The AIA explained that they do not object to theoretical projects being taught within the confines of the College by non-architects; however when actual projects are undertaken or services offered to the public, the AIA feels this becomes the practice of architecture. Finally, the AIA believes that the proposed Service Learning Project violates the Delaware Code and would be at variance with national model law as developed by the National Council of Architecture Registration Boards (NCARB).

Mr. Holloway distributed a copy of the letter to Board members. Mr. Jennings inquired if this statement has been discussed with the membership of AIA Delaware. Mr. Holloway explained that the statement had been vetted by the government affairs committee and the Board, but not the membership.

Mr. Kerber clarified with Mr. Pedersen the time frame in which Delaware Tech approached the Board regarding the MOU, which Mr. Pedersen believed to be around October or November of 2012. Mr. Kerber stated that he wondered why AIA representation had not previously addressed the Board regarding their concerns about the Service Learning Project, as they have regularly attended meetings since that time. Mr. Kerber explained that he would expect AIA members present to speak up during public comment if they were not comfortable with the manner in which the process was moving forward. Mr. Kerber assured those present that the AIA opinions would be considered. Mr. Kerber clarified that the primary issue for the AIA is that a licensed architect is not overseeing the project. Mr. Holloway confirmed that all the AIA is asking for is that a licensed architect be administering the program at each campus.

Mr. Mateyko shared that he feels there is a philosophical difference with the decision the Board has come to and the opinions of the Board when the complaint against Delaware Tech was initially addressed in 2010, as was discussed in a previous Subcommittee meeting. Mr. Mateyko explained that many on the Subcommittee did not feel students who will be completing the work so closely out of high school are truly prepared to be undertaking the deliverables of architecture. Furthermore, Mr. Mateyko stated that the product at the conclusion of the project is an academic project and should not be considered a professional product.

Mr. Freemark suggested that the letter from the AIA be forwarded to both legal counsels for review. Mr. Freemark stated that he believes the AIA should be present at all future Board and Subcommittee meetings.

Mr. Wilson shared that in his opinion the Delaware Tech project is possible because he views it as an academic exercise as opposed to a real world project and that is how he bridges the gap with regard to the law. Mr. Wertz shared that he does not feel academic projects are jeopardizing the health, safety, and welfare of the general public.

Mr. Freemark summarized that the letter from the AIA will be forwarded to both legal counsels for further review along with the proposed agreement, AIA will have representation at all future Board and Subcommittee meetings until the issue has been resolved, and the Subcommittee will meet prior to presenting to the Board again. All Board members present agreed.

The Board thanked the AIA representatives for attending and providing their feedback.

#### Status of Complaints

Complaint 07-03-11 has been dismissed. The Board expressed frustration that there is not a further explanation offered as to why the case has been dismissed. Mr. Lewis expressed that he felt it would be appropriate that they give a further description of the complaint. The Board requested that all pending complaints be included on the agenda with the status moving forward.

Complaint 07-02-12 has been forwarded to the Attorney General's Office. Ms. Schorah explained that he has been contacted regarding the complaint.

#### New Business

##### New Complaints Assigned to a Contact Person

None

##### Ratification of Certificate of Authorization Applications

Mr. Wilson made a motion to ratify the certificate of authorization issued to Harrison French and Associates, seconded by Mr. Schorah. The motion carried unanimously.

##### Ratification of Reciprocity Applications – NCARB Certificate

Mr. Schorah made a motion, seconded by Mr. Wertz, to ratify the listing of issued licenses to NCARB Certified architects by reciprocity. The motion carried unanimously.

Richard Nemeth  
Craig Moskowitz  
Timothy Johnston  
Melanie Soos

Richard Majors  
Todd Chambers  
James Haines  
Hemant Modi

Shawn Duffy  
Jeffrey Brown  
Kevin D'Angiolillo

##### Review of Reciprocity Applications by NCARB

##### Richard Gribble

Mr. Wertz review Mr. Gribble's application. Richard Gribble had an incident in 1989 and was charged with 3<sup>rd</sup> degree murder. 3<sup>rd</sup> degree murder is not a listed crime on the crimes substantially related to the practice of architecture. Mr. Gribble is licensed in PA, the state where the crime occurred. Mr. Wertz confirmed that Mr. Gribble meets all the requirements for licensure and disclosed the crime on his application. Mr. Wertz recommended that Mr. Gribble be approved for licensure, seconded by Mr. Mateyko. The motion passed unanimously.

##### Owen Slagle

Mr. Wertz reviewed Mr. Slagle's application. Mr. Slagle has a history of discipline in Florida due to lack of obtaining certification prior to beginning to work in the state. Mr. Slagle paid a fine and is currently licensed in the state of Florida. Mr. Wertz confirmed that Mr. Slagle meets all the requirements for licensure. Mr. Wertz recommended the Mr. Slagle be approved for licensure, seconded by Mr. Wilson. The motion passed unanimously.

#### Review of Re-Applications by NCARB

##### Joe Powers

Mr. Mateyko reviewed Mr. Powers application. Mr. Powers meets the required continuing education requirements, however Mr. Mateyko informed the Board that Mr. Powers has a BS in Industrial Arts from Southwest Texas State University and there is question as to whether his degree is acceptable. The Board recommended tabling the application pending additional information from the school regarding their accreditation.

##### Alan Feltoon

Mr. Mateyko reviewed Mr. Feltoon's application. Mr. Mateyko stated that Mr. Feltoon meets the required continuing education requirements. Mr. Mateyko recommended Mr. Feltoon be approved for licensure. The motion carried unanimously.

#### Review of Direct Applications for Reciprocity

##### Dominic Dunn

Mr. Jennings reviewed Mr. Dunn's application. Mr. Dunn has a Bachelors of Architecture from City College in 1986 and is currently licensed in New York. Mr. Jennings stated that the application does not contain the request for a waiver of the Intern Development Program; however Mr. Dunn meets all the other requirements for licensure. This application will be tabled pending receipt of this form.

##### Charles Ippolito

Mr. Jennings reviewed the application for Mr. Ippolito. Mr. Ippolito has a Masters of Architecture from Georgia Institute of Technology in 1991. Mr. Ippolito meets all the requirements for licensure. Mr. Jennings made a motion to approve Mr. Ippolito for licensure. The motion carried unanimously.

##### Brian Girard

Mr. Wertz reviewed Mr. Girard's application. Mr. Girard graduated in 1994 from Harvard University and is currently licensed in New York. Mr. Girard meets all the requirements for licensure. Mr. Wertz made a motion to approve Mr. Girard's application for licensure. The motion carried unanimously.

#### Discussion of March 14-16, 2013 Joint Regional Meeting of NCARB

Mr. Jennings informed the Board that he plans to attend the March NCARB regional meeting and inquired if any other Board members would be interested in attending. Board members inquired if administrative staff would like to attend. Ms. Jerman informed the Board that she would be interested in attending. Mr. Freemark inquired if Board members would approve to have Ms. Jerman attend the NCARB meeting. All present approved.

#### Other Business Before the Board (for discussion only)

Ms. Jerman addressed with the Board some internal processing issues that have been brought to her attention. Ms. Jerman inquired about the time frame that an approval to take the ARE remains valid for as we have found applicants that were approved over 2 years ago and have not yet begun testing. Mr. Jennings suggested seeing if NCARB has a policy on this.

Ms. Jerman also addressed the Board regarding the new CE requirements and the implementation time. Mr. Jennings referred Ms. Jerman to follow up with NCARB on this matter.

Tim Oswell, Division staff, addressed the Board concerning the new CE regulations. Mr. Jennings confirmed that the implementation time for the new CE requirements would be 2015. In 2015, licensees would attest to completing 12 CE in 2013 and 12 CE in 2014. Mr. Oswell brought the Board's attention to the late renewal portion of the regulations as well as the lack of proration in the current regulations. Mr. Oswell inquired when the Board would like to complete a mailing regarding the new CE requirements. Mr. Jennings stated that the Board can look to other states to see what they have done to simplify the process. Mr. Wilson and Mr. Jennings will look into what other states are currently doing and report back to the Board at the next meeting. Mr. Mateyko suggested revising the regulations before notifying the licensees of the changes.

Mr. Jennings stated that he would like to see the Board continue with a quarterly newsletter that was initially started by previous administrative staff. Mr. Jennings suggested that he thought the newsletter could highlight specific portions of the Delaware law in each edition. Ms. Jerman will begin drafting a newsletter for the Board.

Mr. Kerber informed the Board that he has been reassigned due to a restructuring at the Department of Justice. Mr. Kerber plans to see the Delaware Tech matter through for the Board. The Board thanked Mr. Kerber for his work with the Board over the years.

#### **Executive Session**

Mr. Mateyko made a motion, seconded by Mr. Jennings to enter into Executive Session to discuss potential litigation. The motion carried unanimously. The Board entered into Executive Session at 3:35 p.m. The Board exited Executive Session at 3:50 p.m.

#### **Next Scheduled Meeting**

The next meeting will be held on March 6, 2013 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

#### **Adjournment**

With no further business before the board, Mr. Mateyko made a motion to adjourn the public meeting, seconded by Mr. Freemark. The motion carried unanimously. The meeting adjourned at 4:00 p.m.

Respectfully submitted,



Meaghan Jerman  
Administrative Specialist II